



U.S. Department of Justice

*United States Attorney's Office
District of Delaware*

*Chase Manhattan Centre
1007 Market Street, Suite 700
P.O. Box 2046
Wilmington, Delaware 19899-2046*

*(302) 573-6277
FAX (302) 573-6220*

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Colm F. Connolly
United States Attorney
(302) 573-6277

AGREEMENT REACHED
STATE TO INSTALL CURB RAMPS ON ALL STATE ROADS

Colm F. Connolly, United States Attorney for the District of Delaware, announced today that an agreement has been reached between the United States Department of Justice, the Delaware Department of Transportation (DelDOT), and the Community Legal Aid Society, Inc. (CLASI), that requires DelDOT to install curb ramps at all intersections on state-maintained roads throughout the State of Delaware. This matter arose pursuant to the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973 (Section 504) which prohibit discrimination against people with disabilities by recipients of federal financial assistance. The matter was brought to the attention of the United States Attorney's Office by CLASI.

U.S. Attorney Connolly noted that since 1992, DelDOT has included accessible curb ramps at intersections in all new paving projects and many resurfacing projects, however, it did not include new curb ramps on projects where less than 3" of top material was removed or on suburban residential streets. These two groups of projects will now be retrofitted as part of this agreement. As a result, DelDOT will identify and retrofit 100 such curb ramps each year over and above the curb ramps it installs in its normal course of construction until 1500 curb ramps are retrofitted.

Mr. Connolly stated: "This agreement demonstrates our commitment to fulfilling the mandates of the American with Disabilities Act and is part of our ongoing effort to ensure that all citizens, including those with disabilities, have equal access to public facilities and infrastructure."

In order to prioritize the 100 curb ramps to be retrofitted each year, DelDOT will post non-conforming locations proposed for retrofitting on its website. It will also collaborate with the State

Council for Persons with Disabilities and its own advisory council, EDTAC, in order to publicize and facilitate public input into the prioritization of locations for retrofitting each year. The schedule for installing curb ramps may be adjusted depending on public comment.

DelDOT will report its progress annually to the Project Director of the Disabilities Law Program with a copy also provided to the State Counsel for Persons with Disabilities. This report will detail the number and location of curbs retrofitted and a synopsis of the public comments received for the year.

Under its *Project Civic Access*, the United States Department of Justice and United States Attorney's Offices are working with local governments to make a wide range of core government programs accessible under title II of the Americans with Disabilities Act ("ADA"). Under Title II, public entities must make reasonable modifications in policies that deny equal access, provide effective communication, and make their programs accessible through the removal of barriers or through alternate methods of program delivery, unless an undue burden or fundamental alteration of the program would result. As part of Project Civic Access, investigators visit and survey selected sites for ADA compliance. These compliance surveys are targeted to all aspects of civic life including courthouses, libraries, parks, sidewalks, and other facilities, as well as employment, voting, law enforcement activities, and emergency preparedness. As of June, 2004, 75 settlement agreements with 73 communities have been entered into around the country. The United States Department of Justice expects to have a total of over 100 agreements complete by the anniversary of the ADA this month.

U.S. Attorney Connolly thanked CLASI for bringing this matter to the attention of the Department of Justice and working with the U.S. Attorney's Office to reach today's settlement. Connolly commended CLASI attorney Laura Waterland and Assistant United States Attorney Paulette Nash for their efforts in securing the agreement. He also thanked Cynthia Kempski, a paralegal with the United States Attorney's Office, and former Assistant United States Attorney Judith Kinney for their diligent work on this matter.

For further information on this agreement contact Theresa Jordan at 302-573-6277, ext. 117.

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